

**REMARKS**

Applicant appreciates the courtesy of a telephone conference on December 17 and December 21 with Examiner Dunn. On December 17 Examiner Dunn indicated she would review the proposed 312 Amendments with her SPE and respond. On December 21 Examiner Dunn indicated she did not believe there was any issue that would prevent entry of the 312 Amendment but the SPE was on leave for the holiday and not available to provide a final decision.

Claim 1 was amended to address a 35 USC § 101 issue in the Examiner's Amendment.

Upon further review, Applicant is concerned that there may be misinterpretation as to data stored on the recording medium constituting a computer executable programming instructions per se as opposed to a data providing a digital stream that can be processed by a computer program. In a similar type of application, Applicant's representative, Dhiren Odedra, Esq. from the Panasonic Patent Center in Washington, D.C., had an interview with the SPE Thai Q. Tran on a case having basically the same type of language as utilized in our original Claim 1. Examiner Tran suggested our currently proposed claim amendment language as adequately defining statutory subject matter under 35 USC § 101.

Accordingly, based upon our concern about any technical misunderstanding of the preamble in the current Claim 1 and our recent experience with SPE Tran in the same art unit, Applicant is proposing a similar modification as proposed in amended Claim 1.

In reviewing all of the outstanding claims, it also became apparent that there was an error in Claim 9, with regards to the graphics decoder. The graphics decoder is operable to decode the graphics streams to generate graphics but the graphics decoder does not per se directly overlay the graphics on the moving picture. An object buffer, as noted in dependent Claim 10, can store

the graphics generated by the decoding for subsequent processing and depending on the circumstances, can overlay the graphics and the moving picture, e.g., subtitles in a foreign picture.

Accordingly, to correct this error, Applicant is proposing to delete "and overlay the graphics and the moving picture," as technically inaccurate to rectify this problem.

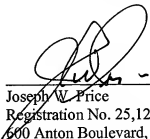
It is not believed that this amendment effects the scope of the claims and it is believed that the Examiner was aware that the graphics decoder decodes the graphics and that the graphics are then subsequently processed or stored in an object buffer prior to being processed.

It is believed that the proposed amendments to the claims meet the requirements of 35 USC § 112 without effecting the allowability of the present claims. It is requested that they be entered and an early notification of the same be provided prior to payment of the issue fee.

If there are any questions with regards to this matter, the undersigned attorney would appreciate a telephone conference.

Very truly yours,

**SNELL & WILMER L.L.P.**



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Joseph W. Price  
Registration No. 25,124  
600 Anton Boulevard, Suite 1400  
Costa Mesa, California 92626-7689  
Telephone: (714) 427-7420  
Facsimile: (714) 427-7799